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January 6, 2025

SO ORDERED.

Via ECF

Hon. District Court Judge Alvin K. Hellerstein
U.S. District Court
Southern District of New York

Dated: January 6, 2025



Re: One Step Up, Ltd. v. Empire Apparel, et al
Civil Action: 21-cv-05392

Dear Judge Hellerstein:

I represent Defendants in this action. I am writing to request that Defendants' time file for summary judgment be extended by 30 days from January 28, 2025 to February 27, 2025. The basis for the application is that Plaintiff has not yet provided an item of discovery that is critical to Defendants' planned summary judgment motion.

More specifically, on November 26, 2024, Defendants deposed Mr. Sultan, a witness who appeared on behalf of Plaintiff. Based on Mr. Sultan's deposition testimony, immediately following the deposition (on November 26, 2024), Defendants served a demand for a sales report from Plaintiff, showing Plaintiff's sales of t-shirts or sweatpants for a cost of \$1.25 or less, per unit/item. On December 23rd, Plaintiff notified Defendants that it considered the demand-over-broad. As such, on December 25th, Defendants notified Plaintiff that it could limit the demand to two of Plaintiff's divisions.

Said report was due by December 26, 2024. In response to Defendants' query on December 27, 2024, regarding the status of the report, Plaintiff advised it was looking into the status of the report, but to date, said report has not yet been produced by Plaintiff. The report is critical to Defendants' ability to disprove one of Plaintiff's two claims in this case.

Further exacerbating the need for an extension is that I have a family vacation scheduled between January 15th and January 26th.

Defendants thus respectfully request an additional thirty days to file their motion for summary judgment so that their motion will be due by February 27, 2025.

Plaintiff consents to this application.

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Page 2 of 2

Sincerely;

s/ Gerry Grunsfeld

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